

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ADVOCARE INTERNATIONAL, L.P., a  
Texas limited partnership,

Plaintiff,

v.

RICHARD PAUL SCHECKENBACH, et al.,

Defendants.

Case No. C08-5332 RBL

ORDER GRANTING PLAINTIFF'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT [Dkt. #288]

THIS MATTER comes before the Court on Plaintiff's Motion for Partial Summary Judgment [Dkt. #288]. Plaintiff AdvoCare moves this Court for summary judgment dismissal of three of Defendants' affirmative defenses. The Court has reviewed the materials, and hereby **GRANTS** Plaintiff's Motion. The affirmative defenses [Nos. 12, 16, 17, in Dkt. #s 276, 277, 278] asserted by R-Squared Nutrition Inc., Breakthrough Nutrition, and Ascential Bioscience, LLC, relating to the Texas judgment being obtained by fraud and the adjudication of Scheckenbach's absence of fraud are **DISMISSED**. The reasons for the Court's Order are outlined in its Order [Dkt. #307] Granting Plaintiff's substantially identical Motion for Summary Judgment filed by a different subset of Defendants [Dkt. #275]. **IT IS SO ORDERED.**

DATED this 13<sup>th</sup> day of August, 2010.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE